

**ECF ADMINISTRATIVE PROCEDURES
FOR FILING, SIGNING, AND VERIFYING DOCUMENTS
ELECTRONICALLY
(Revised January 6, 2006)**

The Local Rules for the U.S. District Court for the District of Montana establish the following procedures to the extent any of the following procedures or guidelines is inconsistent with the Local Rules, the Local Rules control.

I. THE ELECTRONIC FILING SYSTEM			
(a) Authorization for the Electronic Record	<ul style="list-style-type: none">- Local Rule 1.6(a)- Federal Rule of Civil Procedure 5(e)- Federal Rule of Criminal Procedure 57	The official record shall include information transmitted to the court in electronic format and documents filed in paper format shall be made a part of the record. Any conventional documents or exhibits impractical to scan into the electronic record shall be maintained in the Clerk's Office.	<ul style="list-style-type: none">- Clerk's Office shall begin maintaining the official record in electronic format on 11/07/05.- Registration in the CM/ECF system by electronic users shall begin on 03/01/06.- Electronic filing shall be required for all counsel as of 01/10/07.
(b) Responsibility of filing parties.	<ul style="list-style-type: none">- Maintain an electronic mailbox sufficient to receive the orders and other documents transmitted electronically.- After 01/10/07, counsel must show good cause to file and serve pleadings in a traditional manner.- After the Order Admitting Pro Hac Vice has been entered, counsel shall have ten (10) days to register for electronic filing in the District Court.	<ul style="list-style-type: none">- A scanned document must produce a legible image in black print on white paper, for maximum contrast. The court will require any filing that is illegible to be re-filed in a legible format.- Original pleadings with intrinsic value should be maintained by the filing party.	

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(c) Definitions and Instructions	- Administrative Procedures Manual:	Where procedures and instructions for using the court's ECF system can be found, consistent with the Local Rules for the District of Montana.	
	- Certificate of Service:	In accordance with the Local Rules, parties must include a Certificate of Service with their documents . . . in addition to the NEF that is produced by the system.	- Form One, Sample "Certificate of Service."
	- CM	"Case Management" portion of the electronic filing system used by the Clerk's Office to maintain the electronic record.	
	- ECF	Refers to the Court's "Electronic Case Files" system.	
	- ECF User	A person who is registered to use the ECF site.	
	- Electronic Filing	Uploading a document directly from the registered user's computer to the Court's Internet-based filing system.	Sending a document to the court via e-mail does not constitute "electronic filing."
	- E-mail Address of Record:	The e-mail address of each party to the case stored in the Clerk's Office.	
	- Document	Includes pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or to the court.	
	- Internet Service Provider:	(ISP) The entity used to connect to the Internet	

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	- Mountain Time:	Refers to all hours stated in these procedures, Standard or Daylight Savings, whichever pertains.	
	- Notice of Electronic Filing	(NEF) Generated automatically by the ECF system upon completion of an electronic filing. The NEF, when e-mailed to the e-mail addresses of record in the case, acts as the proof of service.	
	- Party:	Includes counsel of record and pro se litigants.	
	- Portable Document Format	(PDF) Allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact. All documents are to be filed in PDF format so the integrity of the original document cannot be destroyed.	
	- System:	Used to reference the Case Management/Electronic Case Files (CM/ECF) system adopted and implemented by the District Court.	

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(d) Technical Specifications	- In order to have adequate downloading capabilities, filing parties should consider the following technical equipment:	<ul style="list-style-type: none">- Operating system such as Windows or MacIntosh- Ability to convert documents to portable document format (PDF), using software such as Adobe Acrobat Writer (7.0) or WordPerfect.- High-speed Internet access, or an Internet dial-up line with a minimum of 56K.- Netscape 7.1 or Internet Explorer 6.0 browser.- A scanner configured no finer than 200 dpi and black and white rather than color scanning for imaging non-computerized documents.	
(e) Scanning Specifications	- Legibility	Scanned documents are to be subsequently filed electronically and must be legible. If for any reason a document cannot be easily read after scanning, the filing party will be instructed by the Court to file a legible copy within a specified period of time.	<ul style="list-style-type: none">- No color- No black borders- No shading
	- Document Size:	Large documents may not upload properly to the system or download within a reasonable amount of time for users with a 56K modem. Documents over three (3) megabytes must be filed in three-(3)-megabyte segments as attachments.	

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(f) System Availability	<ul style="list-style-type: none"> - The system is designed to provide service twenty (24) hours per day. - Parties are encouraged to file documents during normal business hours. 	<p>* In order to meet a filing deadline, parties shall file all documents before 5:00 p.m. on the deadline date.</p>	
(g) Registration	<ul style="list-style-type: none"> - PACER login and password is required of all electronic users. 	<p>* To register for PACER, a user must complete the online form or submit a registration form, available on the PACER website, http://pacer.psc.uscourts.gov.</p>	
	<ul style="list-style-type: none"> - District of Montana ECF User Registration 	<ul style="list-style-type: none"> - After attorneys complete a 3-hour ECF User Training, the Court will issue logins and passwords. Attorneys must meet the requirements of Local Rule 83.3. 	<p>Form Three: CM/ECF User Registration Form attached.</p>
(h) Login and Password	<ul style="list-style-type: none"> - Each attorney admitted to practice in the District of Montana shall be entitled to one login and password from the District Court allowing the attorney to participate in electronic service and filing of pleadings and other papers. 	<ul style="list-style-type: none"> - No attorney shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her office. - Once registered, the attorney shall be responsible for all documents filed with his or her password. 	
(I) Signatures and Affidavits	<ul style="list-style-type: none"> - Electronic Signature Format 	<p><u>/s/ Jane Attorney</u> Jane Attorney Firm Name Attorney for Plaintiff/Defendant</p>	<p>The name must follow “/s/” on the line with the rest of the information under the line.</p>

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	- Multiple Signatures	- Scan the original signature page and attach it to the related document. - Use “/s/” as to all parties, thus representing that all parties have consented.	

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

(a) Filing	- Format of Documents	<ul style="list-style-type: none"> - Local Rules 7 and 10, Format of Pleadings - Federal Rule of Civil Procedure 10 	
	- Electronic Filing in CM/ECF Only	- All documents, EXCEPT DISCOVERY DOCUMENTS, shall be electronically filed.	- E-mailing a document to the Clerk's Office shall not constitute "filing."
	- Complaints and other initiating documents	<ul style="list-style-type: none"> - Civil Cover Sheet must be sent to the Clerk's Office by e-mail or fax. - Clerk's Office will return a case number by e-mail after the filing fee is received. - Filing party will initiate the case with the initiating document and filing fee. 	
	- Judge Assignment	- At the time the complaint is filed, a judge will be assigned.	
	- Consent to Proceed before a U.S. Magistrate Judge	<ul style="list-style-type: none"> - In all cases, the consent election shall be carried out on paper. Parties will receive a "Mailing of Consent to Proceed before USMJ." Returned consent forms shall be held under seal in the Clerk's Office. - If all parties consent to magistrate jurisdiction, all consent forms will be scanned into the electronic record of the case as "Notice of Assignment to USMJ." - If all parties do not consent to magistrate jurisdiction, the order of reassignment will issue and the returned consent forms will be shredded at the conclusion of the case. 	

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	- Service of the Complaint	- A party may not electronically serve a complaint, but instead must effect service according to Federal Rule of Civil Procedure 4.	
	- Summons	- The filing party may attach a Summons to the initiating document for issuance by the Clerk's Office.	
	- Timely Filed:	- A document will be deemed timely filed if filed prior to 5:00 pm on the due date.	
	- Attachments and Exhibits	- Except as the Local Rules otherwise provide, exhibits must be filed in electronic format as attachments to the related document. - Anything larger than three (3) megabytes shall be filed or attached in three (3) megabyte segments. - Trial exhibits will not be filed unless ordered by the Court.	
	- Discovery	- Discovery documents shall not be filed with this court except when a motion is filed relating to the discovery. - The party filing the motion shall attach the relevant discovery documents to the motion.	
	- Transcripts of Proceedings	- Upon a request for a transcript of proceedings, the court reporter will provide the Court with a certified transcript of proceedings that the Clerk's Office will maintain in hard copy format. - The docket text will indicate the transcript has been filed and a copy may be ordered from the court reporter.	

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	Hyperlinks	<ul style="list-style-type: none"> - Hyperlinks to cited authority will be considered no more than a convenient mechanism for accessing material cited in the document. - The hyperlink will be extraneous and will not be considered a part of the court's record. - Hyperlinks should not be used to circumvent briefing page limitations. 	
(b) Service	- Notification of Electronic Filing (NEF)	<ul style="list-style-type: none"> - The system automatically generates a notice of electronic filing to all registered users and the assigned/referral judge. - The NEF is the equivalent of proof of service of the document. 	
	- Certificate of Service	<ul style="list-style-type: none"> - According to the Local Rules, a certificate of service is required in addition to the NEF. - The certificate must state the manner of service or notice. - A sample Certificate of Service is attached as Form One. 	
	- Conventional Service of Copies of Documents with the NEF	<ul style="list-style-type: none"> - A copy of the NEF produced by the electronic system must be included with the hard copy of the pleading sent to non-registered users. - If a document is filed conventionally at the Clerk's Office, the filing party must serve all parties by regular service, including a Certificate of Service. 	
	- Computing Time	<ul style="list-style-type: none"> - The three-(3)-day rule for service by mail shall also apply to service by electronic means. 	<ul style="list-style-type: none"> - Deadlines or query deadlines that appear in the system are for court use only and should not be relied upon as an accurate computation of the response time.

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	- Prohibited Forms of Service	- Fax or e-mail service is prohibited unless the conventional filer consents.	
(c) Fees Payable to the Clerk	- All paid fees will be documented by a text-only entry on the docket.	- Credit/debit card - Check - Money order - Cash	* The court will not maintain credit/debit card numbers or accounts of any kind for attorneys or law firms.
(d) Orders and Proposed Orders	- Orders	- All orders shall be electronically filed and served with the same force and effect as if the judge had affixed the judge's signature to a paper copy. - If an order is sent to a non-registered party by regular mail, an NEF will be included to provide the non-registered party with proof of service.	* A text order may be entered by the judge granting or denying an unopposed order. A document will not be generated, but the system will generate the docket text and an NEF will be forwarded to all parties.
	- Proposed Orders	According to the Local Rules, the proposed order shall be attached as an exhibit to the Motion when electronically filing on motions for extension of time and unopposed motions only.	- To facilitate the review and use by the Court of all or portions of the proposed orders a working copy of each document shall be submitted by e-mail to the appropriate judge's chambers in WordPerfect or Word format. - These e-mail addresses are not to be used to communicate with the Court unless otherwise permitted or when communications are solicited by the Court: rfa_propord@mtd.uscourts.gov jds_propord@mtd.uscourts.gov rwa_propord@mtd.uscourts.gov seh_propord@mtd.uscourts.gov cso_propord@mtd.uscourts.gov ccl_propord@mtd.uscourts.gov dwm_propord@mtd.uscourts.gov lbe_propord@mtd.uscourts.gov

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(e) Document Titles	<ul style="list-style-type: none"> - The party electronically filing a pleading or other document shall be responsible for designating a docket text title for the document by using one of the docket event categories prescribed by the system. 		
(f) Correcting a Filing	<ul style="list-style-type: none"> - Docket text or document(s) filed in error. 	<ul style="list-style-type: none"> - posting the wrong PDF filed to the docket text. - selecting the wrong type of document from the menu. - entering the wrong case number 	<ul style="list-style-type: none"> * The filing party should not attempt to correct the filing by refileing the correct document.
	<ul style="list-style-type: none"> - Contact the Help Desk 	<ul style="list-style-type: none"> - 1-800- - If appropriate, the court will make an entry indicating that the document was filed in error. - The filing party will be advised <i>if</i> the document needs to be refiled. 	
(g) Technical Difficulty in Filing Documents	<ul style="list-style-type: none"> - District of Montana's technical failures. 	<ul style="list-style-type: none"> - A filing party whose filing is made untimely as a result of a technical failure of the court's CM/ECF's site may seek appropriate relief from the court. - System outages will be posted on the Website if possible. 	
	<ul style="list-style-type: none"> - Help Desk 	<ul style="list-style-type: none"> - 1-800- - Available from 8:30 a.m. to 5:00 p.m. - Voice mail messages may be left after hours in the event a party has filing difficulties. 	

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS			
	<ul style="list-style-type: none">- Technical Difficulties in Filing During Regular Business Hours	<ul style="list-style-type: none">- Problems on the filer's end, such as phone line problems, problems with the filer's ISP, or hardware or software problems, will not excuse an untimely filing.- Parties must contact the Help Desk to obtain permission to send a document by e-mail <u>OR</u> file the document conventionally at the Clerk's Office.	<ul style="list-style-type: none">- Form Two attached: "Notice of Conventional Filing of Document"
(h) Laptops in the Courtroom	<ul style="list-style-type: none">- Laptops are allowed in the courtrooms	<ul style="list-style-type: none">- The District Court will not provide hookups to the District's network.- If parties wish to have access to the documents filed in a case, their laptops must contain any documents they will need during the proceeding.	

III. PROVISIONS FOR SEALING CASES, DOCUMENTS, AND PERSONAL IDENTIFIERS			
Sealed Documents	<ul style="list-style-type: none"> - According to the Local Rules, a party must have leave of the Court to file something under seal. 	<ul style="list-style-type: none"> - Parties are to e-file their motion to seal in order to receive leave of court. - The item to be sealed must be presented to the Clerk's Office in hard copy for review by the Court. (Attaching the document to the Motion will make it available to everyone.) - After leave of court is received, the Clerk's Office will scan and e-file the "sealed" document into the record. - The filing party will be responsible for serving a hard copy of the sealed document on all parties. 	Only the court will have access to view these documents.
(b) E-Government Act of 2002	<ul style="list-style-type: none"> - A party wishing to file a document which references personal data identifiers shall file an unredacted version under seal in accordance with Local Rule 1.8(c). 	<ul style="list-style-type: none"> - The document shall be filed under "Other Documents," "Seal Documents." - The filing party will be responsible for serving a hard copy of the unredacted document on all parties. 	Only the court will have access to view these documents.
	<ul style="list-style-type: none"> - The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review each document for compliance with this rule. 	<ul style="list-style-type: none"> - Social Security and Driver's License Numbers—redacted to the last four numbers. - Names of Minor Children— redacted to initials only. - Dates of Birth—redacted to the year only. - Financial Account Numbers— redacted to the last four digits of the account numbers. 	

III. PROVISIONS FOR SEALING CASES, DOCUMENTS, AND PERSONAL IDENTIFIERS			
	<p>- Parties may move to file under seal the following information:</p>	<p>- medical records, employment history, individual financial information, proprietary or trade secret information, information regarding an individual's cooperation with the government, information regarding the victim of any criminal activity, national security information, or sensitive security information as described in 49 U.S.C. § 114(s).</p>	

III. PROVISIONS FOR SEALING CASES, DOCUMENTS, AND PERSONAL IDENTIFIERS			
	<ul style="list-style-type: none">- The following will not be available for public access:	<ul style="list-style-type: none">- unexecuted summonses and warrants in criminal cases;- pretrial bail reports and presentence investigation reports;- the sentencing judge's statement of reasons in a criminal judgment;- juvenile records;- documents containing identifying information about jurors or potential jurors;- financial affidavits filed by persons seeking representation pursuant to the Criminal Justice Act;- ex parte documents, including but not limited to requests for authorization of investigative, expert or other services pursuant to the Criminal Justice Act;- sealed documents, including but not limited to motions for subpoenas under Fed. R. Crim. P. 17(b) and motions for downward departures for substantial assistance;- minutes and transcripts from sealed court proceedings;- other documents or proceedings as provided by statute, rule, or policy.	

IV. ACCESS TO THE SYSTEM			
(a) Public Access at the Clerk's Offices	- Access to the electronic record is available for all parties and the public at each divisional office of the District Court during regular business hours.	- A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1930.	
(b) Internet Access	- Registered users who are parties to a case will receive e-mail notification of a filing and the document filed.	- The parties are free to review and/or download said filing at the time of the notification.	* If a party to a case remotely accesses a document after the initial notification of filing, they will be charged the access fee of \$.08 per page.
	- Remote access to the electronic record is limited to subscribers to the PACER system.	- A user fee of \$.08 per page will be charged by PACER for remotely accessing case information such as filed documents, docket sheets, and reports. - The fee schedule places a billing limit of 30 pages (\$2.40) on all case specific reports and documents, with the exception of transcripts.	

V. CONVENTIONAL FILING AND SERVICE OF DOCUMENTS

(a) Conventional Filing of Documents	<ul style="list-style-type: none"> - Conventionally filed documents will be scanned and filed electronically at all divisional offices. 	<ul style="list-style-type: none"> - The District of Montana will accept conventionally filed documents from attorneys until January 10, 2007. - After 01/10/07, all attorneys must show cause why they are not filing their documents electronically. 	Form Four: Motion for Attorney to File Conventionally attached.
(b) Conventional Filing of Exhibits	<ul style="list-style-type: none"> - Parties must move for leave to file an exhibit in CD-Rom or conventional filing. - Users should check the Court's website for guidance regarding what constitutes an exhibit too large to file or scan and for other ways of handling exhibits. A party may move for leave to file an exhibit in CD-ROM or conventional format by describing the exhibit and explaining why it cannot be filed electronically. 	<ul style="list-style-type: none"> - Exhibits must be described in full 	
	<ul style="list-style-type: none"> - The following exhibits may be filed in CD-Rom or conventional format without prior leave of court: 	<ul style="list-style-type: none"> - exhibits that are too lengthy to file or scan; - exhibits that are oversized, such as blueprints or maps; - administrative records; or - trial exhibits. 	
(c) Conventional Copies and Certified Copies	<ul style="list-style-type: none"> - Conventional copies and certified copies may be obtained at all divisional offices of the Court. 	<ul style="list-style-type: none"> - Fees for copying and certifying will be in accordance with 28 U.S.C. § 1914. 	

FORM ONE
CERTIFICATE OF SERVICE
L.R. 5.2(b)

I hereby certify that, on _____, a copy of the foregoing document was served
on the following persons by the following means:

1, 3 CM/ECF
 Hand Delivery
2 Mail
 Overnight Delivery Service
 Fax
4 E-Mail

1. Clerk, U.S. District Court
2. Clarence Darrow
Darrow & Kunstler, PLLC
24 Main St.
Two Dot, MT 59085
Attorney for Defendant Webster
3. John E. Attorney
Lawyers R Us, Inc.
Attorney for Defendant Smith
4. Jane Doe
janed@anonymallaw.com
Attorney for Plaintiff Brown

/s/ James Doe
James Doe
179 Freeway View Dr.
Two Dot, MT 59085
jimdoe@retainme.com
ph. (406) 999-9999
fax (406) 999-9991
Attorney for Defendant Jones

FORM TWO
NOTICE OF CONVENTIONAL FILING OF DOCUMENT OR ITEM
L.R. 1.6(g)

John E. Attorney
1234 Main Street
Billings, MT 59101
Attorneys for Defendant Smith

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
TWO DOT DIVISION

MARY BROWN,)	Case No. CV 99-316-TD-XYZ
)	
Plaintiff,)	
)	
vs.)	DEFENDANT SMITH'S NOTICE OF
)	CONVENTIONAL FILING OF
JENNIFER JONES; PAUL SMITH; DAN)	DOCUMENT
WEBSTER,)	
)	
Defendants.)	
_____)	

Please take notice that Defendant Smith has conventionally filed the architect's original hand drawings of the Brown house
_. The document(s) or item(s) is/are not available in electronic form. The document(s) or item(s) has/have not been filed electronically
because:

- ___ scanning is not practicable;
- ___ the electronic file exceeds megabytes in size;
- ___ the filing is under seal;
- ___ a court order excuses conventional filing;
- X the filing is exempted under Local Rule 7.1(L)(1)(B);
- ___ the filer experienced the following technical difficulties as shown by the attached documentation.

DATED this 5 day of November, 2005.

/s/ John E. Attorney
John E. Attorney
Attorneys R Us, Inc.
Attorneys for Defendant Smith

FORM THREE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

ECF USER REGISTRATION FORM

This form shall be used to register for an account on the electronic case files system, to obtain privileges both to electronically submit pleadings and other papers, to view and retrieve electronic pleadings and other papers, and to receive electronic pleadings and other papers for all cases filed in the electronic files system for the District of Montana.

The following information is required for registration:

First/Middle/Last Name: _____

Bar ID#: _____

Firm Name: _____

Firm Address: _____

Voice Phone Number: _____

Fax Number: _____

Internet E-mail Address: _____

Do you wish to pay fees by credit card? _____ yes _____ no

Are you registered to file electronically in another federal district? No _____ Yes _____ District of _____

By submission of this registration form, the undersigned agrees to the following:

1. That this system is for use only in cases permitted by the U.S. District Court for the District of Montana. It may be used to file and view pleadings and other papers electronically;
2. That pursuant to Federal Rule of Civil Procedure 11 and Local Rule _____ every document shall be signed by at least one attorney of record who is filing electronically.
3. That a user's login (the attorney's bar number) combined with the user's password serve as and constitutes the user's signature.
4. That if any reason exists to suspect the login and password have been compromised in any way, it is the duty and responsibility of the user to immediately notify the CM/ECF. Help Desk. The CM/ECF. Help Desk will immediately delete that password from CM/ECF. and the user may select a new password.
5. That this registration will constitute a request and an agreement to receive service of pleadings and other papers electronically pursuant to Local Rule _____ and any other applicable rule, where service of pleadings and other papers are otherwise permitted by first class mail, postage prepaid.
6. That by registering as a electronic files case user, I agree to abide by all of the rules and procedures in the Local Rules and this Administrative Procedures Manual and waive the right to receive pleadings and other papers by conventional filing unless specified by the Court.

Registered User's Signature

Submitted to:

ECF. Help Desk
P. O. Box 8537
Missoula, MT 59807

FORM FOUR
MOTION BY ATTORNEY FOR LEAVE TO FILE CONVENTIONALLY
L.R. 1.6(d)
(for use after January 10, 2007)

Clarence Darrow
Darrow & Kunstler, PLLC
24 Main St.
Two Dot, MT 59085
Attorney for Defendant Webster

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
TWO DOT DIVISION

MARY BROWN,)	Case No. CV 99-316-TD-XYZ
)	
Plaintiff,)	
)	
vs.)	MOTION BY ATTORNEY FOR LEAVE
)	TO FILE CONVENTIONALLY IN THIS
JENNIFER JONES; PAUL SMITH; DAN)	CASE
WEBSTER,)	
)	
Defendants.)	
_____)	

I, Clarence Darrow, hereby move the Court for leave to file documents conventionally in this case because:

- ☐ high-speed Internet service is not available in the area where I practice.
- ☐ my office does not yet have high-speed Internet service and I do not have ready access to a Kinko's or other site that does have high-speed Internet service.
- ☒ I and/or my staff have not yet taken the Court's CM/ECF training. An appointment will be scheduled and kept.
- ☐ this is a Social Security case and the nature of the case makes electronic filing infeasible.
- ☐ of the following special circumstances: _____

_____.

DATED this 13 day of December, 2007.

[conventional hand signature]
Clarence Darrow
Darrow & Kunstler, PLLC
Attorney for Defendant Webster